

Rakeff, J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
TPG REWARDS, INC.,

Plaintiff,

v.

QUANTUM LOYALTY SYSTEMS, INC.,

Defendant.  
\_\_\_\_\_

Civil Action No.  
1:08-cv-06396 (JSR)

**STIPULATED PRELIMINARY INJUNCTION ORDER [PROPOSED]**

The Plaintiff TPG Rewards, Inc. ("Plaintiff TPG") having filed this action on or about July 17, 2008 alleging that a certain advertisement designated as "Exhibit B" in the Complaint was and false and/or misleading under, *inter alia*, Section 43(a) of the Lanham Act;

The defendant Quantum Loyalty Systems, Inc. ("Defendant Quantum") having been served with the Complaint, but not yet having answered the Complaint, but nonetheless denying the allegations of Plaintiff TPG regarding the advertisement designated "Exhibit B";

The Plaintiff TPG having filed a motion for a preliminary injunction on or about August 1, 2008 that seeks, *inter alia*, to preliminarily enjoin defendant Quantum from copying, distributing or disseminating the advertisement designated as Exhibit B; and

The parties wishing to resolve the preliminary injunction motion without admitting or denying the merits of the underlying claims of the lawsuit or any other factual matters;

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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8-14-08

IT IS HEREBY ORDERED, by stipulation of counsel for each party on behalf of each party, that, pending final judgment in this matter:

1. Defendant Quantum and its officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby preliminarily enjoined and restrained

(a) Except as required in the defense or prosecution of this action, from copying, distributing or disseminating the document attached as Exhibit 1 hereto (or any copies thereof), and from disseminating, verbally or otherwise, any of the information about TPG's e-MOVIE CASH program contained in Exhibit 1;

(b) From using any advertising, promotional material, packaging or the like or disseminating any statements which falsely or misleadingly state the percentage coverage of and/or the number of movie theatres and/or movie theatre companies and/or movie theatre screens which participate in TPG's MOVIE CASH<sup>®</sup> programs, including without limitation TPG's e-MOVIE CASH<sup>™</sup> program; and

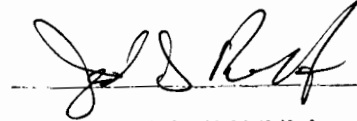
(c) From using any advertising, promotional material, packaging or the like or disseminating any statements which falsely or misleadingly compare defendant's entire "Hollywood Movie Money" program to the e-MOVIE CASH<sup>™</sup> segment of TPG's MOVIE CASH<sup>®</sup> program.

IT IS FURTHER ORDERED that Defendant Quantum shall distribute to all existing, past and/or potential customers to whom Quantum presented the advertising of Exhibit 1 hereto a notice stating that Quantum has withdrawn the advertisement and that TPG Rewards Inc. has disputed the numbers and the accuracy of the comparison, and shall provide copies of each such notice to counsel for TPG.

IT IS FURTHER ORDERED that TPG's motion for a preliminary injunction is withdrawn without prejudice to again seek the relief sought in that motion if Quantum breaches any of the provisions of this stipulation. Subject to that provision, Plaintiff TPG reserves the right to pursue any other remedy to which it believes it is entitled.

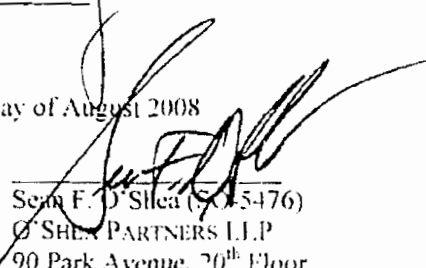
IT IS FURTHER ORDERED that this stipulation shall in no way be construed as an admission of fault or liability by either party or an admission of fact by either party.

IT IS SO ORDERED this 13<sup>th</sup> day of August 2008:



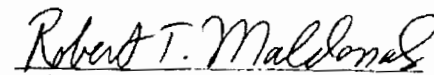
Hon. Jed S. Rakoff, U.S.D.J.

IT IS SO STIPULATED this 12 day of August 2008



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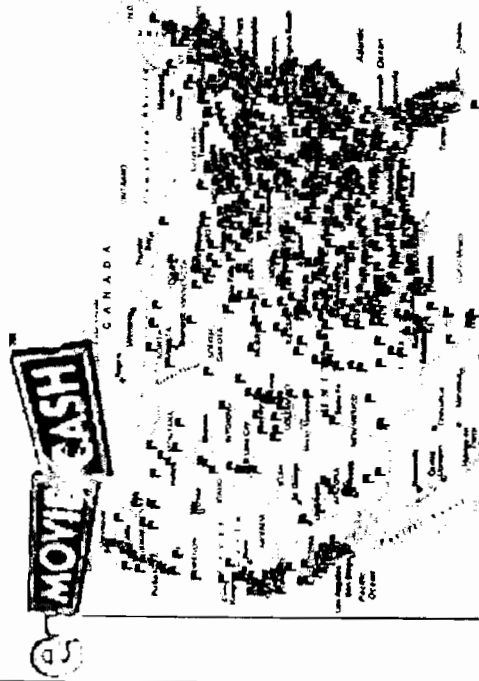
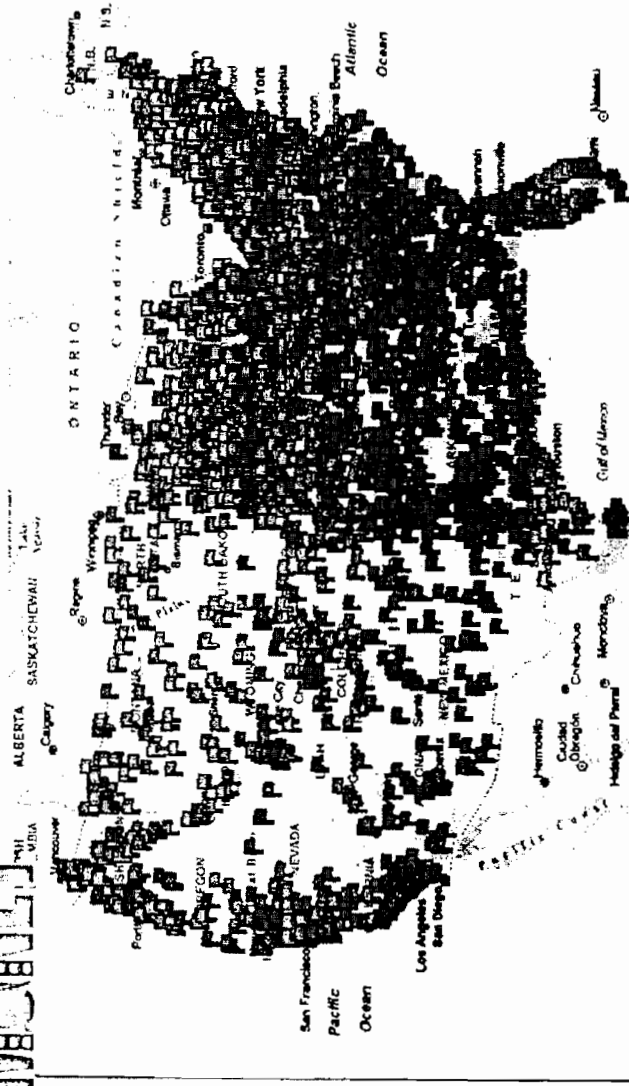
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# **Exhibit 1**

# Superior Theater Network

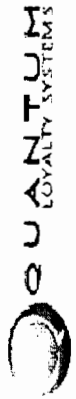
HOLLYWOOD MOVIE  
MECAVEY



600 Participating Movie Theater Companies  
36,049 Screens 98.5% Coverage

200 Participating Movie Theater Companies  
17,981 Screens 49% Coverage

QuantumLoyalty.com



North America ★ South America  
Europe ★ Australia